

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

In the Matter of:)	Board Case No. 2043 M
)	
JOHN MCCRACKEN, D.O.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Holder of License No. 0977 for the)	BOARD ORDER
Practice of Osteopathic Medicine and)	
Surgery in the State of Arizona.)	
_____)	

INTRODUCTION

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for final consideration and decision at the Board's public meeting held on December 13, 1997. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an Informal Interview on December 13, 1997. During the course of these proceedings, John McCracken, D.O. (hereinafter "Respondent") was present.

Based upon Respondent's testimony and documentary evidence submitted to the Board, the board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is the holder of License No. 0977 authorizing him to engage in the practice of osteopathic medicine in the State of Arizona.

2. On May 31, 1996 the Board open Complaint No. 2043 M based upon receiving a Notice of Malpractice Settlement involving a medical malpractice suit between patient T.M. and Respondent. The Complaint/medical malpractice suit was filed in the Superior Court for the State of Arizona, Maricopa County, alleging that Respondent failed to diagnose or suspect the possibility that Plaintiff had a bowel obstruction. This resulted in a delay in diagnosis and appropriate surgical treatment from August 4, 1993 to August 10, 1993 and caused significant injuries to the plaintiff.

3. On December 13, 1997 Respondent appeared before the Board at the Informal Interview and testified that he had treated the patient properly and that the patient did not go to the Emergency Room as requested. Respondent also stated that he had followed up with the patient by telephone.

CONCLUSIONS OF LAW

1. This matter is within the jurisdiction of the Arizona Board of osteopathic Examiners in medicine and Surgery pursuant to A.R.S. § 32-1801 et seq. and the regulations promulgated thereunder.

2. Respondent's action in not following up with the patient in a timely manner for acute abdominal pain violates A.R.S. § 32-1854(6), practice which falls below the community standard and A.R.S. § 32-1854(40), practice which endangers patient's health.

3. Respondent's acts in violating A.R.S. § 32-1854, which acts constitute unprofessional conduct, constitute grounds under which the Board may impose disciplinary action against Respondent pursuant to A.R.S. § 32-1855(E).

ORDER

IT IS HEREBY ORDERED that a Letter of Concern is issued and the following disciplinary action is taken against John McCracken, D.O. as follows:

1. Dr. McCracken is placed on probationary status for a period of two (2) years and ordered to comply with the following terms and conditions of probation:

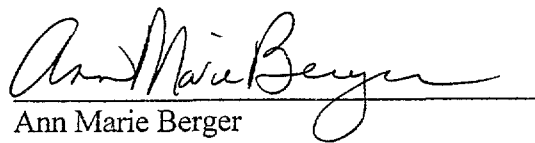
(a) Commencing from the date of issuance of this Order, Dr. McCracken shall obtain a minimum of 20 hours of continuing medical education credit in the areas of treating acute abdominal pain. Respondent shall submit to the Board's Executive Director documentation confirming his attendance and completion of the education program approved by the Board; and, this requirement for continuing medical education shall be in addition to the minimum statutory requirement for renewal of Board license as specified at A.R.S. § 32-1825(B).

(b) Respondent shall pay all costs arising from the Board's investigation, informal interview hearings and continuing monitoring of the requirements of this Order and, payment of the costs shall be completed within ten days of receipt of the amount issued by the Board.

2. Failure to comply with the terms of this Order shall constitute an act of unprofessional conduct in accordance with A.R.S. §32-1854.26 "Violation of a formal order, probation or a stipulation issued by the board under this chapter."

ENTERED and effective this 30th day of December, 1997.

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY


Ann Marie Berger
Executive Director

Copy mailed by U.S. certified mail
(return receipt requested) this 30th
day of December, 1997 to:

John McCracken, D.O.
2551 W. Old Glory Dr.
Tucson AZ 85741

Copy mailed this 30th day of
December, 1997 to:

Blair Driggs
Assistant Attorney General
CIV/LES
1275 W. Washington
Phoenix AZ 85007

Karen A. Perry